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11EV698246015US PPA  
ZML



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Philip Simpson et al. Docket No.: 029011-0308042  
Serial No.: 10/771,093 Client Ref. FLEX-002U  
Filing Date: February 2, 2004 Group Art Unit: Unknown  
Examiner: Unknown  
For: **MANIPULATION AND CUTTING SYSTEM AND METHOD**

MAIL STOP PETITIONS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

PETITION TO WITHDRAW HOLDING OF ABANDONMENT-  
OFFICE ACTION NOT RECEIVED

Dear Sir:

The undersigned attorney for application hereby states:

1. The Notice to File Missing Parts, mailed from the US Patent Office on August 2, 2004, was not received.
2. The Notice of Abandonment mailed from the US Patent Office on April 6, 2005, was not received.
3. A search of the file jacket and the docket records in my office indicates that these documents were not received.
4. The correspondence address for this application and our office address is 2475 Hanover Street, Palo Alto, California 94304. Please see attached Exhibit A evidencing correspondence address (copy of transmittal documents submitted with initial application filing on February 2, 2004).
5. Attached hereto as Exhibit B is the docket record for the above-referenced matter where the non-received Notice to File Missing Parts and Notice of Abandonment would have been entered had they been received and docketed. Specifically, see Exhibit B,

09/26/2006 MGEBREAK 00000077 033975 10771.093  
01 FC:1462 page 2 Under "Event by" 10771.093  
400.00 DA

6. No document filed by Applicant's attorneys in this matter has ever evidenced any other address but the correspondence address of 2475 Hanover Street, Palo Alto, California 94304.

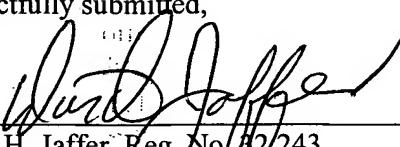
7. As additional evidence of non-receipt of the Notice to File Missing Parts and Notice of Abandonment, I attach hereto as Exhibit C a Statement from my paralegal, Bridgette M'Guinness, outlining her telephone conversation with the US Patent Office, Office of Initial Patent Examination (OIPE).

In consideration of these submissions, it appears that the Notice to File Missing Parts and Notice of Abandonment were mailed to an incorrect address through error at the Patent Office. It is respectfully requested that the holding of abandonment be withdrawn.

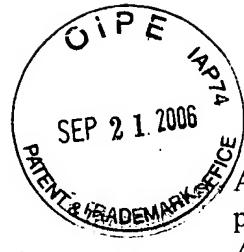
Authorization is hereby made to charge the subject Petition fee of \$400.00 to deposit account number 03-3975 (reference: 029011-0308042). However, Petitioner hereby requests that the Patent Office waive this fee since this abandonment occurred due to an error at the Patent Office. Please charge any additional fees and/or credit any overpayment in the manner authorized above.

Dated: September 21, 2006

Respectfully submitted,

  
\_\_\_\_\_  
David H. Jaffer, Reg. No. 32,243  
Customer No.: 21498

PILLSBURY WINTHROP SHAW PITTMAN LLP  
Intellectual Property Group  
P. O. Box 10500  
McLean, VA 22102  
Tel: (650) 233-4500  
Fax: (703) 770-7901



#### CERTIFICATE OF EXPRESS MAIL MAILING

I, Diana Dearing, hereby certify that the attached Petition to Withdraw Holding of Abandonment – Office Action Not Received along with any attachments and return receipt postcard are being deposited with the U.S. Postal Service as “Express Mail Post Office to Addressee,” mailing label no. EV698246015USUS in an envelope addressed to: Mail Stop Petitions, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on September 21, 2006.

  
Diana Dearing

Diana Dearing



**MAIL**  
**EXPRESS**

EV 382010265 US

UNITED STATES POSTAL SERVICE®

Post Office To Addressee

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| <b>ORIGIN (POSTAL USE ONLY)</b>   |   | <b>DELIVERY (POSTAL USE ONLY)</b>  |  |
| POZI<br>99128   | <input type="checkbox"/> Day of Delivery<br><input checked="" type="checkbox"/> Next<br><input type="checkbox"/> Second | <input type="checkbox"/> Flat Rate Envelope<br><input type="checkbox"/> Postage<br><input type="checkbox"/> \$ 3.65  | <input type="checkbox"/> AM<br><input type="checkbox"/> PM   |
| Date In<br>7/26/2004  | Time In<br>12 Noon  | Time Out<br>3 PM   | Employee Signature<br>C. FERD  |
| Weight<br>9 oz.   |   | Military<br>Return Receipt Fee<br><input type="checkbox"/> 2nd Day<br><input type="checkbox"/> 3rd Day   | Mo. <input type="checkbox"/> Day <input type="checkbox"/> AM <input type="checkbox"/> PM                   |
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| lbs.<br>No Delivery<br><input type="checkbox"/> Weekend<br><input type="checkbox"/> Holiday   |   | Total Postage & Fees<br><input type="checkbox"/> Acceptance of Cash<br><input type="checkbox"/> NO DELIVERY<br><input type="checkbox"/> WANTED<br><input type="checkbox"/> HOLIDAY<br><input type="checkbox"/> CUSTOMER'S SIGNATURE<br><input type="checkbox"/> CUSTOMER'S SIGNATURE | Delivery Dates<br>Mo. <input type="checkbox"/> Day <input type="checkbox"/> AM <input type="checkbox"/> PM |
| METHOD OF PAYMENT<br>Express Mail Consular Act No. 629611/0305042   |   | Federal Agency Act No. or<br>Postal Service Act No.  | Employee Signature<br>C. FERD  |
| FROM: <input type="checkbox"/> PLEASE PRINT<br>ATTN: James E. Pinkin<br>PENNSYLVANIA STATE BAR<br>2475 HANOVER ST.<br>PHILADELPHIA, PA 19104-1114   |   | TO: <input type="checkbox"/> PLEASE PRINT<br>COMMISSIONER FOR PATENTS<br>PO BOX 1450<br>ALEXANDRIA<br>VA 22313-1450  | Phone: <input type="checkbox"/>  |
| <p>PRESS HARD<br/>You are printing 3 copies.</p> <p>FOR PICKUP OR TRACKING CALL 1-800-222-1811 <a href="http://www.usps.com">www.usps.com</a></p> <p>MAIL STOP: New York Application<br/>629611/0305042</p> |   |  |  |

Exhibit A

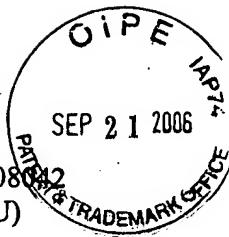


BEST AVAILABLE COPY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner of Patents and Trademarks  
Alexandria, VA 22313-1450

Attorney's Docket No. 029011/0308042  
(Flex-001(U))



**TRANSMITTAL FOR NEW PATENT APPLICATION**

Transmitted herewith for filing is the Patent Application of:

Philip J. Simpson et al

For: **Manipulation and Cutting System and Method**

**ENCLOSURES**

- 15 page application including specification, claims and abstract;
- 18 sheets of informal drawings;
- A Declaration, Power of Attorney (Unsigned).
- A postcard for return to us as proof of receipt of the above documents.

**And**

- An Assignment of the invention to and an assignment cover sheet;
- A Nonpublication Request Under 35 U.S.C. 122(b)(2)(B)(i)
- Applicant Claims Small Entity Status;
- An associate power of attorney;
- A certified copy of country patent application number (priority document) is enclosed.

**TYPE OF FILING**

- This application claims the benefit of an earlier filed U.S. Patent Application under 35 USC 120.
- Please accord Applicant the benefit of the priority date of January 31, 2003, to this case pursuant to 35 USC 119. Applicant's claim for priority is based on application serial no. 60/444,326 filed in the U.S. Patent and Trademark Office on said date.
- This is an application filed pursuant to 37 CFR 1.53, permitting receipt of a filing date upon filing of specification, claims and drawings, if required, with applicant being given a period of one month from the date of notice to file the fee and oath or declaration.
- In the event any parts of this application are incomplete, please treat this as a filing under 37 CFR 1.53 as defined just above.

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail No. EV382010265US addressed to the Mail Stop: PATENT APPLICATION, Commissioner for Patents , P.O. Box 1450, Alexandria, VA 22313-1450 on February 2, 2004 by Cora Baliton.

  
\_\_\_\_\_  
Cora Baliton

## FEE CALCULATION

The filing fee has been calculated as shown below:



|  | SMALL ENTITY | OR              | OTHER THAN A<br>SMALL ENTITY |                  |
|--|--------------|-----------------|------------------------------|------------------|
| BASIC FEE Design Patent                      | \$170        |                 | \$340                        | \$               |
| BASIC FEE Utility Patent                     | \$385        |                 | \$770                        | \$ 385.00        |
| <b>EXTRA FEES</b>                            |              | <b>RATE FEE</b> | <b>RATE FEE</b>              |                  |
| TOTAL CLAIMS                                 | MINUS 20 =   | X \$9 =         | x \$18 =                     | \$               |
| INDEP. CLAIMS                                | MINUS 3 =    | X \$43 =        | x \$86 =                     | \$               |
| <input type="checkbox"/> MULTIPLE DEP. CLAIM |              | + \$145 =       | + \$290 =                    | \$               |
| <input type="checkbox"/> ASSIGNMENT          |              | + \$ 40 =       | + \$40 =                     | \$               |
| <input type="checkbox"/> RULE 53 SURCHARGE   |              | + \$65 =        | + \$130 =                    | \$               |
| <b>TOTAL</b>                                 |              |                 |                              | <b>\$ 385.00</b> |

### FEE PAYMENT

- Attached is Check No. \_\_\_\_\_ in the sum of \$ \_\_\_\_\_ to cover the basic filing fee.
- Fee not enclosed.
- Please charge Account No. 03-3975 the sum of \$ 385.00.

### FEE DEFICIENCY

- The Commissioner is authorized to charge (or credit any overpayment) to deposit account No. 03-3975:
  - Any additional filing fees required under 37 CFR 1.16, except Rule 53 filings, which will be paid within the time permitted by PTOL 1533.
  - Assignment Recordal fees.
- The filing fee and surcharge under 37 CFR 1.16, patent application processing fees under 37 CFR 1.17 and patent issue fees under 37 CFR 1.18 are intended to be paid by our firm as they arise. As no abandonment is intended by any inadvertent nonpayment of fees, the Commissioner is hereby authorized to charge payment of such fees as from time to time come due, if not paid prior to due date to our Deposit Account No. \_\_\_\_\_.
- A duplicate copy of this sheet is enclosed.

Respectfully submitted,

James E. Eakin  
Reg. No. 27,874

Dated: February 2, 2004

PILLSBURY WINTHROP LLP  
2475 Hanover Street  
Palo Alto, CA 94304-1115  
Telephone: (650) 233-4500  
Facsimile: (650) 233-4545



## Country Application

Friday, August 25, 2006 Page: 1

Client-Matter: 029011-0308042

Country: US

Client: Flex Partners, Inc.

United States of America

Attorney 1: Jaffer, David H.

Attorney 2: Massey, Bridgette E.

Attorney 3:

Attorney 4:

Billing Attorney:

Case Type: ORD

Resp.Office: SV

Application Status: Pending

Status Date: 27-Jun-2006

Application Number: 10/771093

Filing Date: 02-Feb-2004

Publication Number:

Publication Date:

Patent Number:

Issue Date:

Parent/PCT Number: 60/444326

Parent/PCT Date : 31-Jan-2003

Parent Patent Number:

Parent Issue Date :

Tax Schedule: LE

Expiration Date:

Confirmation Number:

Patent Term Adjustment: 0

Agent: 8452

PILLSBURY WINTHROP SHAW PITTMAN LLP

Agent Reference No.:

Tax Agent:

Tax Pay Status: PAY ON INSTR

Tax Start Date:

Remarks: PatentPrsc - US Filing/US Origin (Inserted By: Cora Baliton. FirmWorkId: 26541)

Search report dated 2/14/05 received for related matter no. 0308092. B. Massey 5/23/05 email, IDS/ISR has been filed.;

STATUS - USPTO website 05/23/06 - 10/771093 filed on 02/02/2004 is Abandoned - claims benefit of 60/444326

8/24/06 fax from IAC re: enclosed signed status inquiry dated 6/26/06; notice of abandonment dated 4/6/05; notice to file missing parts dated 8/4/04.

### Priority Cases

| Client | Matter  | Ctry | Application Number | Filing Date | Case Type | Family Number |
|--------|---------|------|--------------------|-------------|-----------|---------------|
| 029011 | 0301317 | US   | 60/444326          | 31-Jan-2003 | PRO       |               |

# Country Application

Friday, August 25, 2006

Page: 2

## Event Log

| Event   | Document Filed |                                     |
|---|----------------|-------------------------------------|
|   | Event Date     | at PTO                              |
| Declaration and Power of Attorney                 | 02-Feb-2004    | <input checked="" type="checkbox"/> |
| Informal Drawings                                 | 02-Feb-2004    | <input checked="" type="checkbox"/> |
| Patent Applications                               | 02-Feb-2004    | <input checked="" type="checkbox"/> |
| specification, claims and abstract                | 02-Feb-2004    | <input checked="" type="checkbox"/> |
| USPTO/Postcard acknowledgment                     | 02-Feb-2004    | <input type="checkbox"/>            |
| Status Inquiry (faxed to PTO)                     | 15-Jul-2005    | <input checked="" type="checkbox"/> |
| Status Inquiry filed - via certificate of mailing | 26-Jun-2006    | <input type="checkbox"/>            |

## Family Numbers

| Client-Matter  | Ctry | Case Type | Application Number | Filing Date | Patent Number | Issue Date |
|----------------|------|-----------|--------------------|-------------|---------------|------------|
| 029011-0301317 | US   | PRO       | 60/444326          | 31-Jan-2003 |               |            |
| 029011-0308092 | WO   | ORD       | PCT/US2004/002874  | 02-Feb-2004 |               |            |
| 029011-0308042 | US   | ORD       | 10/771093          | 02-Feb-2004 |               |            |

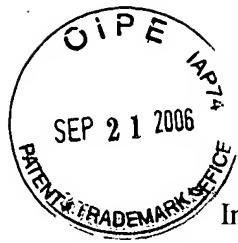
## List Of Actions

| Action(s) Due                  | Due Date    | Action Taken |             |
|--------------------------------|-------------|--------------|-------------|
| US-Utility Convention Due      | 31-Jan-2004 | Final        | 02-Feb-2004 |
| Information Disclosure Stmtnt  | 02-May-2004 | Due Date     | 02-May-2004 |
| Application Status Check       | 02-Apr-2005 | Reminder     | 15-Jul-2005 |
| IDS/ISR                        | 14-May-2005 | Due Date     | 23-May-2005 |
| Application Status Check       | 02-Aug-2005 | Due Date     | 15-Jul-2005 |
| Application Sta Follow Up Date | 15-Jan-2006 | Due Date     | 13-Jan-2006 |
| Application Status Check       | 15-Feb-2006 | Due Date     | 15-Feb-2006 |
| Application Status Check       | 15-May-2006 | Due Date     | 15-May-2006 |
| Status Check                   | 26-Aug-2006 | Due Date     |             |

User ID: ungerk

Date Created: 28-Jan-2004

Last Update: 25-Aug-2006



U.S. PATENT AND TRADEMARK OFFICE

In re International Application of: Philip Simpson et al.  
Application No.: 10/771,093  
Filing Date: February 2, 2004  
Title: "Manipulation and Cutting System and Method"  
Agent's Ref: 029011-0308042 (FLEX- 002 U)

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MAIL STOP: PETITIONS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

STATEMENT OF BRIDGETTE M'GUINNESS

Dear Sir:

I, the undersigned, state as follows:

1. I am a patent paralegal employed by Pillsbury, Winthrop Shaw Pittman LLP and I work directly for David H. Jaffer, attorney of record in this matter. Our office address is 2475 Hanover Street, Palo Alto, California 94304.

2. On August 25, 2006, I had a teleconference with Mr. Williams of the US Patent Office, Office of Initial Patent Examination.

3. During this teleconference I requested the current status of the subject application. Mr. Williams indicated the following:

(a) a Notice of Missing Parts was mailed from the US Patent Office on August 2, 2004 to the Pillsbury Winthrop office in Washington, D.C.

(b) Mr. Williams confirmed that the Notice to File Missing Parts was returned to the US Patent Office on August 24, 2004.

(c) a Notice of Abandonment was mailed from the US Patent Office on April 6, 2005 to the Pillsbury Winthrop office in Washington, D.C.

(d) Mr. Williams confirmed that the Notice of abandonment was returned to the US Patent Office on April 26, 2005.

I state under penalty of perjury that the foregoing is true and correct.

Date: 9/21/2006

Bridgette M. Guinness  
Bridgette M. Guinness